

REMARKS/ARGUMENTS

This paper/amendment includes a Petition to Revive Under 37 CFR 1.137(b)

This paper includes a Change of Address.

Status of the Application:

Disposition of the Claims:

Claims 1 to 31 were presented for examination. Claims 1 to 28 were elected for examination in response to a restriction requirement; non-elected claims 29 to 31 have been canceled.

Claims 1 and 2 are objected to because of noted informalities.

Claims 1 to 24 are rejected under 35 USC 112, second paragraph, as being indefinite for the noted reasons.

Claim 1 is rejected under 35 USC 102(b) as being anticipated by Groves et al (US 3,306,634).

Claims 2 to 28 are rejected under 35 USC 103(a) as being unpatentable over Groves et al.

Claims 1 and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of Application No. 09/846,427.

No claim is allowed and no claim is indicated as reciting allowable subject matter.

Status of the Detailed Description and Abstract:

The Examiner objects to the paragraph [0001] regarding the incorporation-by-reference of French Patent Application 00 03130 filed March 10, 2000.

Status of the Drawings:

No objection is made to the drawings filed 03/08/2001.

Status of the Priority Claim:

The examiner has acknowledged receipt of a certified copy of FR 00 03110 filed March 10, 2000 in support of the priority claim under 35 USC 19(a)-(d).

Status of the Information Disclosure Statement:

The Examiner has acknowledged the Information Disclosure Statement filed June 25, 2001. **A further Information Disclosure Statement is enclosed.**

Amendment to the Detailed Description

The Detailed Description has amended at paragraphs [0005] and [0018] to correct typographical errors and to provide antecedent basis for claim language. The applicant believes that no new matter is presented by the amendment to the Detailed Description.

Objection to the Incorporation by Reference in the Detailed Description:

The objection is traversed. The Examiner is invited to consider MPEP 608.01(p), part B, page 600-95 (rev. 3, August 2005). The applicant's attorney, nevertheless, states that the subject matter of the Detailed Description of the present application is a full text translation of the cited priority French patent application.

The applicant requests that the objection be withdrawn.

Objection to Claims 1 and 2:

Claim 1 is canceled. The noted recitation in claim 2 is canceled.

The applicant requests that the objection be withdrawn.

Rejection of Claims 1 to 24 Under 35 USC 112, second paragraph:

Claim 1 is canceled. Claims 14 to 17 and 20 have been amended to satisfy the indefiniteness.

The applicant requests that the rejection be withdrawn.

Rejection of Claim 1 Under 35 USC 102(b):

Claim 1 is canceled. The applicant requests that the rejection be withdrawn.

Rejection of Claims 2 to 28 Under 35 USC 103(a):

Claims 18, 19, 22, 23 and 25 to 28 are canceled. In regard to these claims the applicant requests that the rejection be withdrawn. Claims 2 to 17, 20, 21 and 24 are each dependent on new claim 32 and are considered patentable for the same reasons as claim 32. In particular the Examiner acknowledges that the cited Groves fails to teach the features or elements of claim 2, 3, and 6 to 17. The Examiner alleges that these features or elements are a matter of design choice or rearrangement or optimization within the skill of the art. The applicant traverses this rejection. The features or elements of claims 2, 3 and 6 to 17 are patentably distinguishing characteristics of the disclosed and claimed invention because they recite structural and/or functional results not disclosed or contemplated by Groves.

Rejection of Claims 1 and 22 Under Obviousness-Type Double Patenting:

Claim 22 is canceled. Hence, obviousness-type double patenting is not applicable. The applicant requests that the rejection of claim 22 be withdrawn

Application No. 09/846,427 has matured into US 6,550,964, granted April 22, 2003. The applicant traverses the obviousness-type double patenting for the following reasons. The Examiner makes specific reference to claim 3 of Application No. 09/846,427. Claim 3 was canceled in Application No. 09/846,427 and the subject matter included in each of the granted independent claim 1. Each of the independent claims 1, 11, 18 and 20 recite a positioning flange. The present application does not disclose or claim a positioning flange. Hence, the obviousness-type double patenting rejection is not applicable to claim 1 as amended or any other independent or dependent claims, as amended. The applicant requests that the rejection of claim 1 be withdrawn

New Claims 32 to 37:

Presented herewith for further examination are new claims 32 to 37. Independent claims 32 and 33 and dependent claims 34 to 37 each recite features or elements not disclosed in Groves nor made obvious by Groves. For example, claims 32 and 33 each

recite that the units have both rotational and translation mobility. The articulated joint of Groves only has rotational mobility. For example, claims 32 and 33 each recite that the intermediate cover follows the mobility (rotational and translational) of the two units without forming creases in the intermediate cover. Groves discloses a *corrugated* flexible sleeve 118, i.e., a sleeve inherently having creases. For example, claims 32 and 33 recite that each unit cover has an aperture with margins or edges and that the intermediate cover at each end has an aperture with a margin or edge, where the margins or edges of the cover unit and the intermediate cover are respectively joined. In Groves, the sleeve 118 has an end 119 that overlaps any margins or edges of flanges 103 or 106 or tubular shell 102 or an end 120 that overlaps the margins or edges of flanges 121 to 123. For example, claim 33 further recites material limitations for the intermediate cover. Groves fails to teach or disclose the claimed material limitations that directly affect the operational results and function of the intermediate cover. For example, claims 32 and 33 recite that the means for connecting extends between the two units. The Examiner alleges that yoke sleeve 104 of Groves is a means for connecting; however, contrary to the recitation in claims 32 and 34 sleeve 104 of Groves does not “extend” to member 110. Claim 34 recites that the units are at right angles to each other – an angular relationship excluded by Groves. Groves fails to teach or disclose claims 33 and 37 that recites that one of the structural covers is fixed and the other structural unit cover is relative mobile with respect to the fixed cover.

Reconsideration of the Restriction Requirement Between Original Claims 1 to 28 (Group I) and Original Claims 29 to 31 (Group II).

A restriction requirement was made between the claims of Group I directed to joining device and the claims of Group II directed to an X-ray apparatus. The applicant traversed the restriction requirement and elected for further examination the claims of Group I, i.e., original claims 1 to 28. Original claims 28 to 31, were canceled with the reservation that a divisional application be filed for these claims.

The applicant requests that the Examiner reconsider the merits of the restriction requirement for the following reasons. The Examiner has cited Application No.

09/846,427 now US 6,550,964. Application No. 09/846,427 as filed recited claims to a joining device and claims to an X-ray apparatus. US 6,550,964 as granted recited claims to a joining device and claims to an X-ray apparatus. **No restriction requirement was made in the examination of Application No. 09/846,427.** Hence, for uniformity of examination no restriction requirement appears to be justified in the present application. The applicant requests that the restriction requirement be withdrawn and that new claims 38 to 42 directed to the X-ray apparatus, be examined on the patentable merits. Claims 38 to 42 are considered patentable for the same reasons as claims 2 to 17, 20 21, 24 and 32 to 37.

The applicant requests reconsideration of the claims as amended and to find claims 2 to 17, 20 21, 24 and 32 to 42 allowable. Applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

GUERIT ET AL.

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